Office of the Public Sector Integrity Commissioner of Canada

2016–17

Report on Plans and Priorities

The Honourable Scott Brison
President of the Treasury Board

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Commissioner's Message

I have observed great progress over the last number of years within this relatively young organization. The capacity of a micro organization to develop and apply a thorough analysis and investigation process, becoming an organization considered a resource for departmental senior officers and new provincial and international whistleblowing regimes, is admirable. Internal and external reporting has evolved to effectively manage resources and activities. In addition, the Office and the Act are known by management across departments and Crown corporations as a result of our continued outreach efforts. I am confident that management and staff are committed to even more progress in every part of our mandate.

Outreach efforts will increasingly target non-management federal public servants, where there is an opportunity to expand the level of awareness. While whistleblowing is gradually becoming more accepted, the fear of reprisal remains an obstacle. In the coming year, the Office will have a research paper commissioned concerning this fear to inform and assist the Office in its future activities.

In an environment of continuous improvement, the Office will be expanding the range of policy instruments and implementing process solutions developed through a recent review of the way we handle disclosures and complaints of reprisal. Staff have demonstrated resilience and professionalism, recognizing opportunities to improve and address backlogs as needed. The Office will complete the planned hiring of staff, which will ensure the needed resources are available to meet the needs of the Office in supporting the federal public service and Canadians.

Joe Friday
Public Sector Integrity Commissioner

Section I: Organizational Expenditure Overview

Organizational Profile

Appropriate Minister: The Honourable Scott Brison, President of the Treasury Board

Institutional Head: Joe Friday, Public Sector Integrity Commissioner

Ministerial Portfolio: Treasury Board Secretariat

Enabling Instrument(s): *Public Servants Disclosure Protection Act*, S.C. 2005, c. 46[1]

Year of Incorporation / Commencement: 2007

Other: The Office of the Public Sector Integrity Commissioner of Canada supports the Public Sector Integrity Commissioner, who is an independent Agent of Parliament.

Organizational Context

Raison d'être

The Office of the Public Sector Integrity Commissioner of Canada (the Office) was set up to administer the *Public Servants Disclosure Protection Act* (the Act), which came into force in April 2007. The Office is mandated to establish a safe, independent, and confidential process for public servants and members of the public to disclose potential wrongdoing in the federal public sector. The Office also helps to protect public servants who have filed disclosures or participated in related investigations from reprisal.

The disclosure regime is an element of the framework which strengthens accountability and management oversight in government operations.

Responsibilities

The Office has jurisdiction over the entire federal public sector, including separate agencies and parent Crown corporations, which represents approximately 375,000 public servants. Under the Act, members of the general public can also come to the Office with information about a possible wrongdoing in the federal public sector. However, the Office does not have jurisdiction over the Canadian Forces, the Canadian Security Intelligence Service, and the Communications Security Establishment, each of which is required under the Act to establish internal procedures for disclosure of wrongdoing and protection against reprisal similar to those set out in the Act.

The Office conducts independent reviews and investigations of disclosures of wrongdoing and complaints of reprisal in a fair and timely manner. In cases of founded wrongdoing, the

Commissioner issues findings, through the tabling of a case report to Parliament, and makes recommendations to chief executives for corrective action. The Commissioner exercises exclusive jurisdiction over the review, investigation and conciliation of reprisal complaints. This includes making applications to the Public Servants Disclosure Protection Tribunal, which has the power to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

The Office is guided at all times by the public interest and the principles of natural justice and procedural fairness. The Commissioner submits an annual report to Parliament and special reports may also be submitted to Parliament at any time.

More information about the Office's mandate, roles, responsibilities, activities, statutory reports and the Act can be found on the Office's website[ii].

Strategic Outcome and Program Alignment Architecture

1. Strategic Outcome: Wrongdoing in the federal public sector is addressed and public servants are protected in case of reprisal

1.1 Program: Disclosure and Reprisal Management Program

Internal Services

Organizational Priorities

Priority: Disclosure and reprisal management function that is timely, rigorous, independent and accessible

Description

An effective and appropriate response to those individuals who approach or interact with the Office is the cornerstone of creating trust in the organization and assuring Canadians this important mechanism is supporting an environment of accountability.

Priority Type[1]

Ongoing

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
The Office has launched a lean project to review the workflow of case analysis and investigations to improve timeliness and efficiency. The project will generate various solutions to be implemented and assessed while contributing to the culture of continuous improvement.	December 2015	November 2016	Disclosure and Reprisal Management Program
In 2015 a cross functional working group was established to identify and prioritize emerging issues of importance and to contribute to the development of policy instruments. This initiative will continue in 2016-17 by formalizing and harmonizing access to legal opinions and policy guidance from case histories by sharing and utilizing the information management system to provide relevant and timely information.	Ongoing		Disclosure and Reprisal Management Program
A complete and independent review of the current operations manual will be initiated. This will include clarifying what should be in the manual and how it is related to the other existing resources such as legal opinions and policy instruments.	May 2016	April 2017	Disclosure and Reprisal Management Program

Priority: Awareness and understanding of the whistleblowing regime

Description

Outreach across the public sector is fundamental in creating awareness and clarity about the Act and the role of the Office.

Priority Type

Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
Update outreach and international engagement strategies based on the results of the planned evaluation of the outreach program.	December 2016	February 2017	Disclosure and Reprisal Management Program
Produce a research paper related to the fear of reprisal to better understand and support the delivery of the program.	March 2016	September 2016	Disclosure and Reprisal Management Program
Continue current awareness activities presenting information to federal organizations and at conferences with an emphasis on targeting working level federal public servants. The Office will engage with stakeholders via the advisory committee and interdepartmental working group of senior officers.	Ongoing		Disclosure and Reprisal Management Program

Priority: Human resource capacity that meets organizational needs

Description

The success of a micro organization is dependent on hiring, retaining and engaging employees with the knowledge, skills, and experience that work as team and independently.

Priority Type

Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Department's Program Alignment Architecture
Create pools of qualified case analysts and investigators.	February 2016	December 2017	Disclosure and Reprisal Management Program
Evaluate and implement the revised Public Service Commission Appointment framework to meet the staffing needs of the Office.	April 2016	June 2016	Disclosure and Reprisal Management Program Internal Services

For more information on organizational priorities, see the Minister's mandate letter on the Prime Minister of Canada's website.[iii]

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Case Volumes: The Office's ability to respond in a timely manner can be impacted by increasing case volumes or if the mix of complexity in the case workload increases.	Reporting on service standards ensures that management is informed and that actions are taken as appropriate.	Disclosure and Reprisal Management Program
Information Security: This is critical in the context of disclosures, investigations and the need for preserving confidentiality and trust in the Office. Sensitive or private information must be protected from potential loss or inappropriate access in order to avoid potential litigation, damaged reputation and further reluctance in coming forward.	The Office has ongoing practices aimed at ensuring the security of information, which include security briefings and confidentiality agreements, random information security checks within premises, and controlled access for the storage of sensitive information.	Disclosure and Reprisal Management Program

Risks can arise from events that the Office cannot influence or by factors outside its control, but the Office must be able to monitor and respond accordingly in order to mitigate the impact, in order to address disclosures of wrongdoing and complaints of reprisal. All of the organizational priorities contribute either directly or indirectly to mitigating the risk of increasing case volumes and/or complexity that may in turn impact the timeliness of completing case files. In particular, a disclosure and reprisal management function that is timely, rigorous, independent and accessible supports effective and efficient use of resources and case file decisions which are clear and complete, minimizing the need for further allocations of resources. The Audit and Evaluation Committee provides advice to the Commissioner on risk and annually reviews the Office's risk profile.

Planned Expenditures

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
5,462,674	5,462,674	5,462,674	5,462,674

Human Resources (Full-Time Equivalents (FTEs))

2016–17	2017–18	2018–19
[illegible]	[illegible]	[illegible]

Budgetary Planning Summary for Strategic Outcome and Program (dollars)

Strategic Outcome, Program and Internal Services	2013–14 Expenditures	2014–15 Expenditures	2015–16 Forecast Spending	2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
Strategic Outcome: II. Wrongdoing in the federal public sector is addressed and public servants are protected in cases of reprisal							
II.1 Disclosure and Reprisal Management Program	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

The Office's annual actual spending had stabilized at $7.1 million at which point spending decreased as a result of vacant positions and reduced project spending. The 2016-17 forecast spending reflects a lower level of personnel costs than 2015-16, as a result of the mix of levels of staffed positions. The planned spending in 2016-17 reflects a return to earlier levels of spending, as positions are filled, adding $0.6 million to 2015-16 forecast spending, and an additional $0.7 million for professional services for projects to support the planned initiatives.

Alignment of Spending With the Whole-of-Government Framework

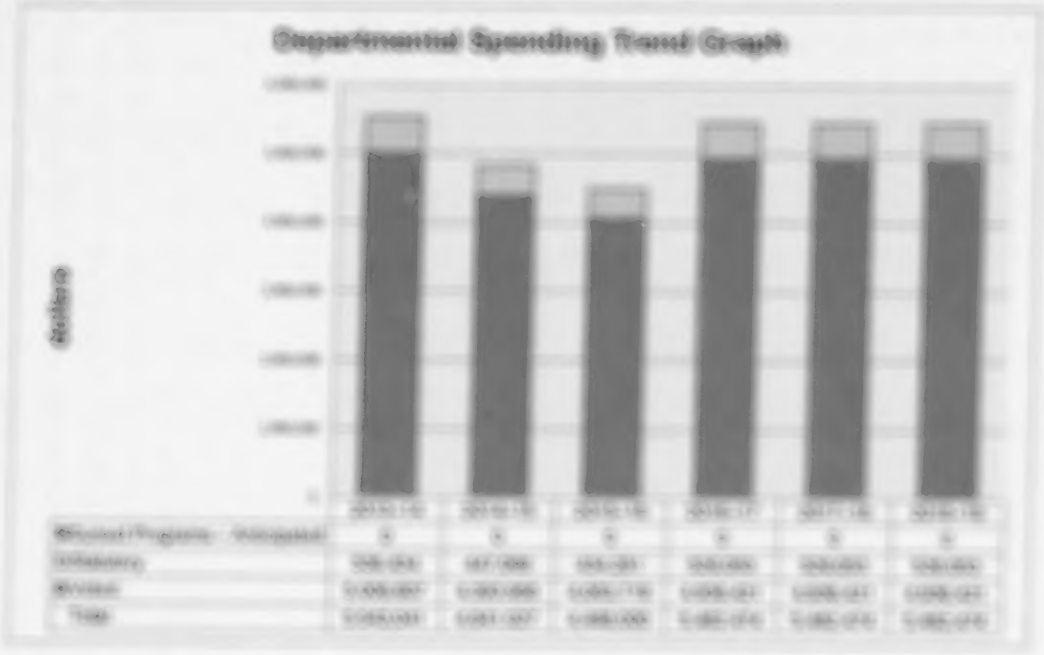
Alignment of 2016–17 Planned Spending With the Whole-of-Government Framework[v] (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2016–17 Planned Spending
II. Wrongdoing in the federal public sector is addressed and public servants are protected in cases of reprisal	II.1 Disclosure and Reprisal Management Program	Government Affairs	A transparent, accountable and responsive government	[illegible]

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending
Economic affairs	0
Social affairs	0
International affairs	0
Government affairs	5,284,227

Departmental Spending Trend



Planned Program - Integrated	0	0	0	0	0	0
Voluntary	106,043	107,606	106,051	106,051	106,051	106,051
Revised	5,408,057	5,383,666	5,404,716	5,078,241	5,078,241	5,078,241
Total	5,514,101	5,491,272	5,510,767	5,184,292	5,184,292	5,184,292

The planned spending in 2016-17 through 2018-19 reflects a return to earlier levels of spending as vacant positions are staffed and funds to implement technological improvements and planned initiatives are implemented.

Estimates by Vote

For information on Office of the Public Sector Integrity Commissioner's organizational appropriations, consult the 2016-17 Main Estimates.[ii]

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome: Wrongdoing in the federal public sector is addressed and public servants are protected in case of reprisal

Program 1.1: Disclosure and Reprisal Management Program

Description

The objective of the program is to address disclosures of wrongdoing and complaints of reprisal and contribute to increasing confidence in federal public institutions. It aims to provide advice to federal public sector employees and members of the public who are considering making a disclosure and to accept, investigate and report on disclosures of information concerning possible wrongdoing. Based on this activity, the Public Sector Integrity Commissioner will exercise exclusive jurisdiction over the review, conciliation and settlement of complaints of reprisal, including making applications to the Public Servants Disclosure Protection Tribunal to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
3,564,227	3,564,227	3,564,227	3,564,227

Human Resources (Full-Time Equivalents [FTEs])

2016–17	2017–18	2018–19
23	23	23

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
The disclosure and reprisal management function is efficient	Compliance with service standard - Decision whether to investigate a complaint of reprisal is made within 15 days	100%	March 2017
	Compliance with service standard - General inquiries are responded to within one working day	80%	March 2017
	Compliance with service standard - Decision whether to investigate a	80%	March 2017

	disclosure of wrongdoing is made within 90 days		
	Compliance with service standard - Investigations are completed within 1 year	80%	March 2017
The disclosure and reprisal cases are addressed with decisions that are clear and complete.	Successful applications for judicial review in comparison to the total number of cases received over three years	No more than 2%	March 2017

Planning Highlights

In the fall of 2014, employees were engaged in updating the Office's risk profile and three year strategic plan, which contributed to establishing the priorities and plans. The 2016-17 planned initiatives were further refined as the current collaborative lean project is generating process modifications to improve the timeliness in completing case files. The program will continue to focus on formalizing operational policies and file completion.

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. Internal services include only those activities and resources that apply across an organization, and not those provided to a specific program. The groups of activities are Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
1,898,247	1,898,247	1,898,247	1,898,247

Human Resources (FTEs)

2016–17	2017–18	2018–19
7	7	7

Planning Highlights

Efforts under this activity will support improvements in the efficiency and effectiveness of the Office's internal operations. Specific initiatives in this area include:

- Ensure timely availability of qualified staff by applying effective tools and processes to facilitate and expedite recruitment and resourcing needs, specifically:
    - Run anticipatory staffing processes for key positions, such as case analysis and investigative services.
    - Explore secondments and other exchange opportunities with other public sector organizations that have similar investigative functions.
    - Continue to use standing offers for legal, investigative, and audit services.
- Continue to assess and implement continuous improvement initiatives for Information Management and Information Technology necessary to support operations plans.
- Manage the consolidation of the accommodation space with minimal disruption to staff.

Section III: Supplementary Information

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the Office of the Public Sector Integrity Commissioner's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the Future-Oriented Condensed Statement of Operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the Report on Plans and Priorities are prepared on an expenditure basis, amounts may differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the Office of the Public Sector Integrity Commissioner's website[vi].

Future-Oriented Condensed Statement of Operations
For the Year Ended March 31, 2016
(dollars)

Financial Information	2015–16 Forecast Results	2016–17 Planned Results	Difference (2016–17 Planned Results minus 2015–16 Forecast Results)
Total expenses	5,151,535	6,236,239	1,084,704
Total revenues			
Net cost of operations before government funding and transfers	5,151,535	6,236,239	1,084,704

The increase in expenses of $1.1 million, or 21%, is largely a result of added personnel costs from staffing activities, $0.6 million, and professional fees of $0.5 million to support planned activities.

Supplementary Information Tables

The supplementary information tables listed in the 2016–17 Report on Plans and Priorities are available on the Office of the Public Sector Integrity Commissioner's website[vii].

- Disclosure of Transfer Payment Programs Under $5 Million
- Upcoming Internal Audits and Evaluations Over the Next Three Fiscal Years

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the Tax Expenditures and Evaluations[viii] publication. The tax measures presented in that publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

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Appendix: Definitions

Appropriation: Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures: Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent: A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures: Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance: What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator: A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting: The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plans: The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

results: An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures: Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target: A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures: Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

i. *Public Servants Disclosure Protection Act*, http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html

ii. **Office of the Public Sector Integrity Commissioner of Canada**, http://www.psic-ispc.gc.ca/eng

iii. **Prime Minister of Canada's website**, http://pm.gc.ca/eng/news/2015/11/04/minister-mandate-letters

iv. **Whole-of-government framework**, http://www.fin.gc.ca/purl/taxan-eng.asp

v. *2016–17 Main Estimates*, http://www.tbs-sct.gc.ca/hgw-cgf/finances/pgs-pdg/gepme-pdgbpd/index-eng.asp

vi. **Office of the Public Sector Integrity Commissioner of Canada, Future Oriented Financial Statements**, http://psic-ispc.gc.ca/eng/about-us/corporate-publications/future-oriented-statements-operations-2016-17

vii. **Office of the Public Sector Integrity Commissioner of Canada, Supplementary Tables**, http://psic-ispc.gc.ca/eng/about-us/corporate-publications/supplementary-information-tables-2016-17-eng

viii. **Tax Expenditures and Evaluations publication**, http://www.fin.gc.ca/purl/taxan-eng.asp